

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 1/6/2021 11:11:31 PM
To: Packard, Elise [Packard.Elise@epa.gov]
CC: Payne, James (Jim) [payne.james@epa.gov]; Goerke, Ariadne [Goerke.Ariadne@epa.gov]
Subject: Re: could you give me a call -- I need information on the Administrator portrait oil painting issue -- donating to GSA etc

I'll draft something tonight for Ariadne's review.

Sent from my iPhone

On Jan 6, 2021, at 5:24 PM, Packard, Elise <Packard.Elise@epa.gov> wrote:

Hi Justina and Ariadne,

Jim and I conferred and we think the best course of action would be for your two offices to get with Yvette Jackson and come up with a course of action. Seems to us that going through Yvette's contacts at GSA would make sense, with maybe some handholding by OGC. Then once there is a plan you all can circle with Nancy.

Let us know if you need anything from us.

Elise

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Monday, January 04, 2021 10:39 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: Re: could you give me a call -- I need information on the Administrator portrait oil painting issue -- donating to GSA etc

Thanks Justina. Adding Elise, and we can confer.

Sent from my iPhone

On Jan 4, 2021, at 10:06 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi,
Elise and/or Angelia will be able to provide information about those wretched portraits. I can just tell you, anecdotally, that they used to be done in oils under a GSA contract. They aren't cheap, and as I recall, "everyone" got torqued when

Carol Browner insisted on having her portrait repainted not once but twice (at EPA expense). So then the idea was to get a really big portrait quality photo instead. I haven't looked closely at Lisa Jackson's portrait, so I can't recall if hers is the first photo or the last oil. Anyway, in 2018, President Trump signed the "Eliminating Government-funded Oil Painting Act" that now prohibits the use of federal funds for official portraits.

My problem, from an ethics perspective, is that the Administrator can't solicit the gift of the oil painting. We have no information about how this "idea" came to pass. Is there some sort of "portrait fund" that is going on because, if so, we have a lot of ethics issues about fundraising and not using anyone's title or position in connection with that fundraising.

I'm involved only because ethics gets dragged into how to address the disposition problem of unacceptable paintings, rugs, etc. For example, OITA has a Rauschenberg lithograph hanging in a conference room that someone wanted to take home (NO!). Using my handy dandy art history degree, I made an educated guess at the value and then alerted EPA Property and GSA. That's what Yvette is remembering when she referenced me.

You can't go blindly into GSA. We have to remind them that EPA does not have gift acceptance authority, which is unusual. If Lenny Loewentritt were still alive, I'd ask him. I do know some ethics people who may be able to help, but apart from ethics, GSA's OGC is probably a closer match to Angelia's group as this is really a property question.
Justina

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Monday, January 04, 2021 9:25 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Fwd: could you give me a call -- I need information on the Administrator portrait oil painting issue -- donating to GSA etc

Is there a GSA OGC contact or other GSA contact who can assist here, as GSA would accept the gift?

Also, do you happen to know how the agency usually arranges portraits - eg, whether the agency has fiscal ability to pay directly?

Sent from my iPhone

Begin forwarded message:

From: "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Date: January 4, 2021 at 4:02:17 PM EST
To: "Fugh, Justina" <Fugh.Justina@epa.gov>, "Jackson, Yvette" <Jackson.Yvette@epa.gov>
Cc: "Vizian, Donna" <Vizian.Donna@epa.gov>, "Hitchens, Lynnnann" <hitchens.lynnann@epa.gov>, "Packard, Elise" <Packard.Elise@epa.gov>, "Payne, James (Jim)" <payne.james@epa.gov>, "Molina, Michael"

<molina.michael@epa.gov>

Subject: RE: could you give me a call -- I need information on the Administrator portrait oil painting issue -- donating to GSA etc

Thanks – Elise and Jim – is there an email/letter that OGC can send to AAW – in coordination with OMS (Yvette's info below)?

Thanks ng

From: Fugh, Justina <Fugh.Justina@epa.gov>

Sent: Monday, January 4, 2021 2:52 PM

To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Jackson, Yvette <Jackson.Yvette@epa.gov>

Cc: Vizian, Donna <Vizian.Donna@epa.gov>; Hitchens, Lynnann <hitchens.lynnann@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Molina, Michael <molina.michael@epa.gov>

Subject: RE: could you give me a call -- I need information on the Administrator portrait oil painting issue -- donating to GSA etc

EPA as an agency does not have gift acceptance authority, so we cannot wave a magic wand – like Interior – to accept any such gift. Instead, we would need to turn to GSA, which does have gift acceptance authority, to accept a gift of something like a portrait and then ask through Facilities that the GSA property be loaned to EPA for display.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA
| Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Grantham, Nancy <Grantham.Nancy@epa.gov>

Sent: Monday, January 04, 2021 1:28 PM

To: Jackson, Yvette <Jackson.Yvette@epa.gov>

Cc: Vizian, Donna <Vizian.Donna@epa.gov>; Hitchens, Lynnann <hitchens.lynnann@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Molina, Michael <molina.michael@epa.gov>

Subject: RE: could you give me a call -- I need information on the Administrator portrait oil painting issue -- donating to GSA etc

Hi --

Administrator Wheeler is looking for something in writing from the agency indicating that if he were to have an official portrait/painting done – the agency will definitely accept the painting (per the guidelines below). Who can provide that? We would need it prior to January 20, 2021.

Thanks ng

From: Jackson, Yvette <Jackson.Yvette@epa.gov>
Sent: Wednesday, December 9, 2020 4:19 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: could you give me a call -- I need information on the Administrator portrait oil painting issue -- donating to GSA etc

Hi Nancy,

I'll call you to discuss but the instructions are shown below.

1. The donor gifts the asset to the agency;
2. The Office Director or above notifies Justina Fugh and Steve Blankenship (RPSD);
3. RPSD researches/determines/verifies the netbook value;
4. RPSD notifies GSA and sends the title/appraisal;
5. GSA records it in their property records;
6. EPA asks for it back by completing the loan request and transfer it electronically back to the agency.

While this is happening, it is possible for the asset to remain in place.

Thanks,
Yvette

Nancy Grantham
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